



# Social Security Contributions and Benefits (Northern Ireland) Act 1992

## 1992 CHAPTER 7

### PART II

#### CONTRIBUTORY BENEFITS

##### *Benefits for widows and widowers*

#### **37 Widowed mother's allowance.**

- (1) A woman who has been widowed shall be entitled to a widowed mother's allowance at the rate determined in accordance with section 39 below if her late husband satisfied the contribution conditions for a widowed mother's allowance specified in Schedule 3, Part I, paragraph 5 and either—
  - (a) the woman is entitled to child benefit in respect of a child falling within subsection (2) below;
  - (b) the woman is pregnant by her late husband; or
  - (c) if the woman and her late husband were residing together immediately before the time of his death, the woman is pregnant as the result of being artificially inseminated before that time with the semen of some person other than her husband, or as the result of the placing in her before that time of an embryo, of an egg in the process of fertilisation, or of sperm and eggs.
- (2) A child falls within this subsection if one of the conditions specified in section [F177(5)] below is for the time being satisfied with respect to the child and the child is either—
  - (a) a son or daughter of the woman and her late husband;
  - (b) a child in respect of whom her late husband was immediately before his death entitled to child benefit; or
  - (c) if the woman and her late husband were residing together immediately before his death, a child in respect of whom she was then entitled to child benefit.

*Status: Point in time view as at 05/12/2005. This version of this provision has been superseded.*

**Changes to legislation:** Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 37 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The widow shall not be entitled to the allowance for any period after she remarries [<sup>F2</sup>or forms a civil partnership], but, subject to that, she shall continue to be entitled to it for any period throughout which she satisfies the requirements of subsection (1) (a), (b) or (c) above.
- (4) A widowed mother's allowance shall not be payable—
- (a) for any period falling before the day on which the widow's entitlement is to be regarded as commencing for that purpose by virtue of section 5(1)(l) of the Administration Act; <sup>F3</sup>...
  - (b) for any period during which she and a man to whom she is not married are living together as husband and wife; [<sup>F4</sup>or
  - (c) for any period during which she and a woman who is not her civil partner are living together as if they were civil partners].

#### Textual Amendments

- F1** Word in s. 37(2) substituted (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 3 para. 38**; S.I. 2003/962, art. 2(3)(d)(iii)
- F2** Words in s. 37(3) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 72(2)**; S.I. 2005/3255, art. 2(1), Sch.
- F3** Word in s. 37(4) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3255, art. 2(1), Sch.
- F4** S. 37(4)(c) and preceding word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 72(3)**; S.I. 2005/3255, art. 2(1), Sch.

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